Case 22-80097 Doc 15 Filed 03/23/22 Entered 03/23/22 14:17:20 Desc Main

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS WESTERN DIVISION

IN RE:)	CHAPTER 13
)	
MIROSLAW SZKUTNIK)	CASE NO. 22-80097
)	
	Debtor(s).)	

TRUSTEE'S OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN FILED 1/30/2022

NOW COMES Lydia S. Meyer, the standing Chapter 13 Trustee for the United States Confir

110	We contribe By the St. Meyer, the standing Chapter 13 Trustee for the Office				
Bankruptcy C	Court for the Northern District of Illinois, Western Division, and as for her Objection to				
mation states	as follows:				
	debtor(s) filed for Chapter 13 relief on 1/30/22. 341 (a) Meeting of Creditors held on 3/21/2022 was Concluded Taken off calendar				
3. □	☐ Continued to The debtor(s) failed to appear [11 USC 341(a)] for 341 meeting on				
4. □	The debtor(s) failed to appear [11 USC 341(a)] for 341 meeting on The debtor(s) failed to commence Chapter 13 Plan payments [11 USC 1326(a)(1)].				
5. □	The debtor(s) is/are delinquent in the Chapter 13 Plan payments.				
6. □	The post-petition payments to secured creditors are delinquent.				
7.	The debtor(s) is/are not eligible for Chapter 13 [11 USC 109(e)(g)].				
8.	The trustee objects to the exemption(s) claimed [B.R. 4003(b)]				
9. □	The Debtors/Husband/Wife are not entitled to a discharge.				
10.	The plan filed $\frac{1/30/2022}{5}$ by the debtor(s) fails to meet confirmation requirements a				
	the Trustee objects to confirmation of the Chapter 13 plan for the following reasons: The proposed Chapter 13 Plan is not feasible [11 USC 1325(a) (6)] as the debtor(s) lacks sufficient regular income [11 USC 109(e)] and/or debtor(s) cannot afford plan payments				
	payments The Chapter 13 Plan unfairly discriminates against class of general				
	unsecured claims [11 USC 1322(b)(1)].				
	☐ Plan pays creditor as secured beyond				
	value of collateral.				
	Plan proposes to pay at 100% while other unsecured creditors receive less than 100%.				
	Plan proposes to pay directly which results in that creditor being paid 100% while other unsecured creditors are being paid less than 100%.				
LIQUIDAT	ION –				
×	Proposed Chapter 13 plan fails to meet liquidation value [11 USC 1325 (a)(4)] □ Non-exempt equity \$ Plan only paying \$ □ Must be 100% □ Must be 100% with interest □ Fair market value of real estate higher per tax assessment than listed on schedule A.				
	Other PROCEEDS OF THE DISCRIMINATION CLAIM MUST BE PAID INTO THE PLAN IN ADDITION TO BASE				

Case 22-80097 Doc 15 Filed 03/23/22 Entered 03/23/22 14:17:20 Desc Main Page 2 of 4 DISPOSABLE INCOME -Document Proposed Chapter 13 plan fails to provide that all of debtor(s)' projected disposable income to be received during the applicable commitment period will be applied to make payments to unsecured creditors under the plan, [11 USC 1325 (b)(1)(B)] or no cause to extend. Income higher for debtor/wife/husband per
Unreasonable expenses

THE BONUS PRO RATED

VIOLENTIAL COME BY \$870.00

PER MONTH NET AND OVER BY \$709.74 WITH

THE BONUS PRO RATED Proof of following expenses required _____ 401k loan deduction \$______ - Plan payment should increase when 401k loan is paid. Tax Refunds above \$2,000 should be paid into plan in addition to plan payments. \$3,680.00 AND NEED TRUSTEE LANGUAGE 図 Other PROCEEDS FROM THE DISCRIMINATION LAWSUIT X MUST BE PAID INTO THE PLAN IN ADDITION TO THE BASE. BONUSES ABOVE \$1932 SHOULD BE PAID INTO THE PLAN IN ADDITION TO THE BASE. Below Median Debtor Excess per I/J =Plan payments only Other _____ Above Median Debtor Plan proposed is not 60 months. Plan payment is insufficient – Debtor's actual monthly income minus IRS allowances requires plan payment of \$; Plan proposes payment of \$ Following expenses are inconsistent between schedules I/J and form 122C2 _____ Following lines are incorrect on 122C1/122C2: Amended 122C1 Required. Other _____ Cannot be determined if above or below median income or if disposable income requirement met in above median case Need proof of income for prior 6 months Number in household in question Amended 122C1 required PLAN PROBLEMS -Plan fails to provide for following secured creditors Plan fails to provide for full payment of all claims entitled to priority as required by Section 507(a)(1)(B). Plan fails to provide for fixed monthly installments for all secured creditors in paragraph 3.1, 3.2, 3.3, and 3.4 [11 USC 1325 (a)5]. Following claims will not be paid off within plan term at fixed monthly payment amount. Plan payment is insufficient to cover all fixed payments to creditors

and Trustee's fees.

Case 2			oc 15 Filed 03/23/22 Entered 03/23/22 14:17:20 Desc Main an fails to in Documental low Planglang of get - "The Plan will conclude			
	X		the end of the initial term only as such time as allowed claims are			
			full with interest required by the plan."			
		-	oposed Chapter 13 plan will not complete within 60 months			
		[11 US	Ĉ 1315(a)4].			
			in proposes to pay certain creditors as secured. The documents			
		indicate	ed below are needed for the following creditors:			
		(0	☐ Timely filed Proof of Claim			
		(Cred	litor) Security Documents			
			☐ Timely filed Proof of Claim			
		(Cred				
			,			
			Timely filed Proof of Claim			
		(Credit	or) Security Documents			
	_	FD1 C 1				
			lowing creditors listed in 3.2 and/or 3.4 did not receive notice pursuant			
		to Kule	7004:			
		The nla	n was not noticed to all creditors.			
			was not provided to:			
			failed to list and provide notice to: CO-DEBTOR ON GARDEN PRAIRIE REAL ESTATE			
	X		lowing boxes are not checked:			
		The debtor(s) has/have failed to file Chapter 13 Plan in good faith.				
			C 1325 (a) (3)]			
		Prior b	ankruptcy filings by debtor(s)			
	X	0.1	SECTION 7.1 SHOULD HAVE PLAN CONFIRMATION BOX CHECKED; U.S. BANK**			
	X	Otner:	SECTION 7.1 SHOULD HAVE FLAN CONFININATION BOX CHECKED, U.S. BAINK			
	×	Debtor	(s) have failed to produce the following documents required			
	_,		USC 1308(a)2, 521(e)2(A) and 521(a)1(B)1v:			
		Ŕ	Proof that the debtor(s) filed the last 4 years of tax returns –			
			11 USC§1307(e) states that the Court shall dismiss or convert a case			
			to Chapter 7 upon the debtor's failure to file no later than the day			
			before the date of the original creditors meeting all tax returns for			
			all taxable periods ending during the 4 year period ending on the			
		_	date of the filing of the petition.			
		₹	Copy of Federal income tax return for 2021.			
			Pursuant to 11 USC§521(e)2(B), if the debtor fails to provide the most			
			recent tax return 7 days before original first meeting of creditors, the Court shall dismiss the case unless the debtor shows that the failure to			
			comply is "due to circumstances beyond the control of the debtor."			
			Paycheck stubs – Pursuant to 11 USC 521, debtor's failure to file			
			copies of all payment advices or other evidence of payment received			
			within 60 days before the filing of the petition by the debtor from			
			any Employer shall result in the automatic dismissal of the case on			
			the 46 th day after the date of the filing of the petition.			
			The debtor(s) has/have failed to cooperate with the trustee [11 USC			
			521(a) (3)] as the following document(s) was/were not provided:			
			Acceptable certificate that debtor has completed the requisite			
			debtor briefing [11 USC 109(h)1]			
			Amended schedule E listing name and address of the holder			
			of any domestic support obligation.			

^{**} FILED A CLAIM INCLUDING AN ARREARAGE FOR \$206.60 FOR THE GARDEN PRAIRIE REAL ESTATE. SECTION 8 IS UNCLEAR AS TO IF THE TRUSTEE IS TO PAY THE ARREARAGE FOR THIS REAL ESTATE. SINCE THE CREDITOR IS IN SECTION 3.1 THE TRUSTEE WILL PAY ON THIS CLAIM.

Case 22-80097	▼ CDotic to be the d Payel Proof	O3/23/22 Entered O3/23/22 14:17:20 Desc Main furnient that Plage 4 on has paid all amounts required paid under a domestic support obligation [11 USC 1325(a)8] or that ebtor(s) have no domestic support obligations heck stubs f of Income from t and Loss statements hess Questionnaire and all attachments f of Social Security number
	No fee application Fee Application Fee application	ation filed
		objects to confirmation of the Chapter 13 Plan for the
foregoing reasons and req	uesis mai mis case	e de distilissed.
		/s/ Lydia S. Meyer
		LYDIA S. MEYER
	NOTICE OF	FILING AND PROOF OF SERVICE
Please take notice the United States Bankrup hereby served upon attorn	otcy Court for the	, 2022 this Objection to Confirmation was filed with the Clerk of Northern District of Illinois, Western Division: a copy of which is he debtor(s).
STATE OF ILLINOIS)	SS
COUNTY OF WINNEBA	igo)	
OBJECTION TO CONF occurs automatically upon upon the Debtor(s) to their	FIRMATION upon the filing of said recurrent address of	t duly sworn on oath, depose and state that I served a copy of this on attorney of record for the debtor via electronic notification that Objection to Confirmation. I further swear that I served a copy on file with the Trustee's office by mailing a true and correct copy in paid at Rockford, IL at or about the hour of 5:00 p.m. on
		/s/ Heather Fagan
LYDIA S. MEYER, Trust 308 West State Street, Sui Post Office Box 14127 Rockford, IL 61105-4127		

Telephone: 815/968-5354 Fax: 815/968-5368 8-19-19